

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RONALD R. GUTZEIT,

Plaintiff,

v.

CASE NO. 16-CV-11650  
HON. GEORGE CARAM STEEH

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION (DOC. 23), GRANTING IN PART PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT (Doc. 17) TO THE EXTENT HE  
SEEKS REMAND AND DENIED IN PART TO THE EXTENT HE SEEKS  
AN AWARD OF BENEFITS, and DENYING DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT (DOC. 22)

Plaintiff Ronald Gutzeit brought this action challenging defendant Commissioner of Social Security's denial of his claim for social security disability benefits. Before the court are the parties' cross-motions for summary judgment, which were referred to the magistrate judge for a report and recommendation. On August 21, 2017, Magistrate Judge Stephanie Dawkins Davis issued her report, recommending that defendant's motion be

denied, and plaintiff's motion be granted in part to the extent he seeks remand, and denied in part to the extent he seeks an award of benefits.

The magistrate judge specifically stated that any objections to her report were to be filed within 14 days of service, and that failure to file such objections constituted a waiver of any further right to appeal. See *Thomas v. Arn*, 474 U.S. 140, 155 (1985). No such objections were filed by either party and the time period for doing so has expired.

The court has reviewed the record and briefing in this matter, as well as the magistrate judge's report and recommendation, and adopts the result recommended therein. Accordingly, plaintiff's motion for summary judgment (Doc. 17) is GRANTED IN PART to the extent he seeks remand and is DENIED IN PART to the extent he seeks an award of benefits, and defendant's motion for summary judgment (Doc. 22) is DENIED.

IT IS FURTHER ORDERED that this matter is REMANDED for further proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

Dated: September 12, 2017

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
September 12, 2017, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk